Civil legal requirements to perform or to abstain from certain activities on Sunday, the first day of the week. Through the centuries Sunday laws have been used to enforce the religious observance of and respect for the Christian Sunday. Therefore, religious reasons have been given for these enactments—first, the authority of the church; later, the authority of the Decalogue, on the theory that the fourth commandment, which enjoins the observance of the seventh day, can be invoked to enforce observance of the first day of the week. Alongside this religious basis, which is still recognized in many lands, another basis has been sought on the theory that Sunday laws can be classed, not as religious legislation, but as secular welfare regulations. (This basis has been used in the United States. Most of this article deals with the United States, although the principles enunciated in it are universal.) Seventh-day Adventists concern themselves with the problem of Sunday laws because such legislation is involved in the whole problem of church-state relations and religious liberty. The Seventh-day Adventist Church opposes Sunday laws not only because they cause hardship, but also because they contravene the principle of separation of church and state as enunciated by Christ ( Matt. 22:21 ). All types of Sunday laws are opposed on principle because these laws have religious implications, tending to state recognition of Sunday as a holy day, and therefore enter the area of state prescription of religious observances and open the door to religious discrimination. The lesson of history is that even seemingly innocent Sunday laws, secular in purpose and civil in form, may become an instrument of religious persecution. The Seventh-day Adventist Church has taken the position that laws mandating one day's rest in seven are less objectionable than those designating a specific day, because the one-day-rest-in-seven provision would recognize the constitutional rights of all people, regardless of their day of worship, and would not give preference to any religious beliefs (see General Conference Committee Minutes, Apr. 15, 1959). Development of Sunday Laws. The first Sunday law was decreed by the half-pagan, half-Christian Roman emperor Constantine I, and appears to have had no direct relation to Christianity. It reads as follows: "On the venerable Day of the Sun let the magistrates and people residing in the cities rest, and let all workshops be closed. In the country, however, persons engaged in agriculture may freely and lawfully continue their pursuits; because it often happens that another day is not so suitable for grain-sowing or for vine-planting; lest by neglecting the proper moment for such operations the bounty of heaven should be lost. (Given the 7th of March, Crispus and Constantine being consuls each of them for the second time [A.D. 321])" ( Codex Justinianus, lib. 3, tit. 12, 3; trans. in Philip Schaff, History of the Christian Church [5th ed. ], vol. 3, p. 380, note 1; see also SB , No. 1642 ). This law enforcing the "Day of the Sun" became the parent of subsequent Sunday legislation, which under the Catholic rulers assumed a Christian character and an increasing strictness, and during the Middle Ages was enforced by civil laws under a union of church and state. In England the earliest known Sunday law dates from the reign of Ina, king of Wessex, about A.D. 690; it consisted of a part of the enactments of a church council that were incorporated by the king into his Book of Laws (Karl J. Hefele, A History of the Councils of the Church , vol. 5, pp. 242, 243). Sunday laws have been continuous in England since that time. In the sixteenth century, English Sunday laws began not only to forbid certain actions on that day but also to prescribe positive acts, such as church attendance. During the period of Puritan ascendancy the theocratic theory was reflected in the British religious laws and in those in Puritan New England. A Sunday law of the twenty-ninth year of Charles II, in force in England for almost 200 years, became the model for many American Colonial and later state Sunday laws (see SB , No. 1656 ). The first Sunday law in the area now occupied by the United States was promulgated for Virginia in 1619 and required attendance at Sunday services, with the death penalty prescribed for the third offense. It was part of a harsh code that was imposed on the colony by the British governor but was never enforced. However, the colony passed a law in 1624 imposing fines for absence from church. Sunday laws were passed by the other American colonies, notably those that later became the New England states. These sumptuary laws, popularly called blue laws, forbade such activities on Sunday as working, engaging in games or recreation, jesting, sleeping late, drinking, or even walking and riding except to lawful assemblies. The purpose of these laws was to protect Sunday as a day of worship in fulfillment of the Sabbath commandment of the Decalogue, and those who violated them were subject to penalties ranging from economic disabilities to death. There are historical records of colonists being fined, put in the stocks, or publicly whipped because of seemingly trivial violations of Sunday laws. The founders of the American Republic saw the wisdom of separating church and state in order to preserve religious freedom and prevent religious persecution. This they accomplished by declaring in the Constitution that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." But most of the states carried over, or adopted into their state constitutions, Sunday laws that they had inherited from the Colonial charters. A number of these laws have remained unenforced on the statute books, but from time to time they have been invoked to persecute dissenters. As early as the 1870s a number of states had begun to enforce their Sunday laws against Sabbathkeepers. Vermont, Michigan, and California each had a case of a Seventh-day Adventist arrested for Sunday labor, but in each instance the charge was dropped or dismissed by the judge or jury. In July 1878 Samuel Mitchel, of Quitman, Brooks County, Georgia, was arrested and sentenced to 30 days in jail. Because of the unsanitary conditions in the jail, his health was affected and he became an invalid and died seven months later, Feb. 4, 1879. Persecution of Sabbathkeepers continued during the 1880s, culminating in the trial of R. M. King, of Obion County, Tennessee. His case was carried through successive state and federal courts, arriving at last in the Supreme Court of the United States. Because of King's death, the case was not heard. Arkansas, Maryland, Missouri, and Virginia also enforced their Sunday laws. In 1888 Senator H. W. Blair of New Hampshire introduced a Sunday bill into the United States Congress enforcing Sunday in all federal territories as a "day of worship"; also a religious education amendment to the Constitution. Both were supported by the National Reform Association, organized in 1863 with the purpose of amending the Constitution of the United States so as to declare the country "a Christian nation" and to place "all Christian laws, institutions, and usages, on an undeniable legal basis in the fundamental laws of the land" (quoted in American Sentinel 1:1, January 1886). Seventh-day Adventist leaders recognized that this movement represented a serious threat to the principle of separation of church and state and strongly opposed it ( see Public Affairs and Religious Liberty, Department of ). In 1888 Ellen White wrote: "We see that efforts are now being made to restrict our religious liberties. The Sunday question is now assuming large proportions. An amendment to our Constitution is being urged in Congress, and when it is obtained, oppression must follow" ( Review and Herald 65:786, Dec. 18, 1888). Although indicating that "we do not believe that the time has fully come" when these liberties would be restricted, she called the movements leading to the religious amendment "the plain, direct fulfillment of prophecy" ( 5T 717, 719). In 1884 SDA s began publishing the Sabbath Sentinel, and in 1886 the American Sentinel. The magazines were published for the purpose of alerting the citizenry to the dangers of Sunday legislation. In 1889, for the first time, SDA leaders appeared in the legislative halls of the nation as champions of church-state separation. On July 21, 1889, the church organized the Religious Liberty Association to oppose Sunday legislation and assist those who were brought into court because of violation of Sunday laws. Prosecution under state Sunday laws continued. In 1892 three SDA s in Henry County, western Tennessee, were forced to serve in a chain gang. In Graysville, Rhea County, three years later (1895), 18 SDA s, including the principal and teachers of the school, were indicted, convicted, and sentenced to the chain gang. An attempt was made to prosecute every male member of the SDA Church in Springville, Tennessee. SDA leaders counseled avoidance, without compromising principle, of offending sensitive neighbors who regarded Sunday as sacred. Members were urged to "obey the laws of our land, unless they conflict with the higher law which God spoke . . . from Sinai." In 1902 Ellen White advised, in case of Sunday-law enforcement, devoting Sunday to missionary activities rather than to ordinary work ( 9T 232). After the turn of the century, when

most Americans adopted an increasingly liberal attitude toward Sunday activities, stringent Sunday laws gradually became outmoded, and as a consequence were no longer enforced. Sporadic arrests of Sabbathkeepers continued, but on a lessened scale. A summary of arrests as well as accounts of cases can be found in American State Papers and Related Documents on Freedom of Religion ( Review and Herald, 1949). In 1961 the Supreme Court of the United States handed down four Sunday law decisions in one day: McGowan v. Maryland , 366 US 420; Two Guys From Harrison-Allentown, Inc., v. McGinley, 366 US 582; Braunfeld v. Brown, 366 US 599; and Gallagher v. Crown Kosher Market, 366 US 617. (See SB , Nos. 1669–1674 .) At that time 49 of the states and the District of Columbia had Sunday laws, 12 states had exemptions for those observing Saturday as the Sabbath, and two different federal courts had given conflicting decisions on the constitutionality of Sunday laws. The Massachusetts Sunday law had been declared unconstitutional by Judge Magreeder, May 18, 1959, in the majority decision of a three-man federal court in Boston because it “established” the Christian religion and violated the free exercise of religion of the owners of the Crown Kosher Supermarket of Springfield, Massachusetts. On Dec. 1, 1959, Judge Hastie, in the unanimous decision of the federal court in Philadelphia, had declared Pennsylvania’s law constitutional because the Supreme Court of the United States had refused to review the constitutionality of a New York Sunday-closing law in 1951. As a result of these two conflicting decisions, the Supreme Court accepted jurisdiction in these cases and in a 60,000-word decision, longest in recent history, Chief Justice Earl Warren, speaking for the Court in the majority opinion, said: “There is no dispute that the original laws which dealt with Sunday labor were motivated by religious forces. But what we must decide is whether present Sunday legislation, having undergone extensive changes from the earliest forms, still retains its religious character. . . . In the light of the evolution of our Sunday closing laws through the centuries and of their more or less recent emphasis upon secular considerations, it is not difficult to discern that as presently written and administered, most of them, at least, are of a secular rather than of a religious character and presently bear no relationship to the establishment of religion as those words are used in the Constitution of the United States” ( McGowan v. Maryland, 366 US 420, at pp. 431, 444; see SB , No. 1669 ). In brief, the Court held for the “power of a state to establish a secular day of rest and held irrelevant the fact that the day generally appointed has a religious origin and for many people a continuing religious significance” (Harold E. Fey, editorial, Christian Century 78:867, July 19, 1961). Justice William O. Douglas dissented in all four cases, holding that Sunday laws violated the establishment clause of the First Amendment. He declared that the “question is whether a state can impose criminal sanctions on those who, unlike the Christian majority that makes up our society, worship on a different day or do not share the religious scruples of the majority” ( McGowan v. Maryland, 366 US 420, at p. 561). In the Braunfeld v. Brown and Gallagher v. Crown Kosher Market decisions, Justices Potter Stewart and William J. Brennan also dissented in separate concurring dissents. Justice Stewart held that “Pennsylvania has passed a law which compels an Orthodox Jew to choose between his religious faith and his economic survival. That is a cruel choice. It is a choice which I think no state can constitutionally demand. For me this is not something that can be swept under the rug and forgotten in the interest of enforced Sunday togetherness” ( Braunfeld v. Brown, 366 US 599, at p. 616; see SB , No. 1673 ). Justice Brennan, in his dissent, said: “In other words, the issue in this case . . . is whether a state may put an individual to a choice between his business and his religion. The Court today holds that it may. But I dissent, believing that such a law prohibits the free exercise of religion. . . . The Court, in my view, has exalted administrative convenience to a constitutional level high enough to justify making one religion economically disadvantageous. The Court would justify the result on the ground that the effect on religion, though substantial, is indirect. The Court forgets, I think, a warning uttered during the congressional discussion of the First Amendment itself: ‘. . . the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand’” ( Braunfeld v. Brown, 366 US 599, at pp. 611, 616; see SB , No. 1671 ). On Dec. 17, 1962, the Supreme Court left standing a state court ruling upholding the constitutionality of Kentucky’s Sunday-closing law, which had been challenged because it provided exemptions for individuals observing Saturday or any other day as their Sabbath ( Evening Star, Washington, D.C., Dec. 17, 1962, p. A-2). The energy crisis of autumn 1973 triggered a precipitate rush to secure stronger Sunday-closing laws in many states. In the Indiana state legislature a bill was proposed that made the violation of the Sunday-closing law a criminal offense, with a maximum fine for the first offense of $5,000. Urgent presentations by the Indiana Conference religious liberty secretary and church members defeated this measure. In California a Sunday-closing bill was defeated by the action of the religious liberty secretaries of that state. Some relaxation of Sunday legislation is noted. In 1973 the Ohio state legislature rescinded the state Sunday-closing law. In 1974 the Sunday-closing law of the state of Virginia was amended to allow local option. Several churches in Virginia circulated petitions to have this option placed on the ballot for the November election.